

HOUSE BILL NO. HB0204

Decriminalization of cannabis.

Sponsored by: Representative(s) Provenza and Olsen and
Senator(s) Case and Rothfuss

A BILL

for

1 AN ACT relating to food and drugs; creating a civil penalty
2 for offenses related to specified amounts of marijuana and
3 eliminating and amending related criminal penalties as
4 specified; eliminating use of marijuana and possession of
5 marijuana paraphernalia as crimes; eliminating the
6 prohibition on practitioners prescribing marijuana;
7 amending definitions; making conforming amendments;
8 repealing a provision; requiring rulemaking; and providing
9 for effective dates.

10

11 *Be It Enacted by the Legislature of the State of Wyoming:*

12

13 **Section 1.** W.S. 35-7-1002(a)(xiv), (xxvii)(intro),
14 (E)(intro) and (I), 35-7-1031(a)(ii), (c)(intro),
15 (i)(intro), (A) through (D), by creating new subparagraphs

1 (G) and (H), (iii) and by creating a new paragraph (vi),
2 35-7-1037, 35-7-1038(b), 35-7-1039 and 35-7-1040 are
3 amended to read:

4

5 **35-7-1002. Definitions.**

6

7 (a) As used in this act:

8

9 (xiv) "Marihuana" or "marijuana" means all parts
10 of the plant of the genus Cannabis, whether growing or not;
11 the seed thereof; the resin extracted from any part of the
12 plant; and every compound, manufacture, salt, derivative,
13 mixture or preparation of the plant, its seeds or resin.
14 "Marihuana" or "marijuana" includes products that are
15 composed of both marijuana and other ingredients and that
16 are intended for use or consumption, including edible
17 products, ointments and tinctures. It does not include the
18 mature stalks of the plant, fiber produced from the stalks,
19 oil or cake made from the seeds of the plant, any other
20 compound, manufacture, salt, derivative, mixture or
21 preparation of the mature stalks (except the resin
22 extracted therefrom), fiber, oil or cake, or the sterilized
23 seed of the plant which is incapable of germination;

1

2 (xxvii) "Drug paraphernalia" means all
3 equipment, products and materials of any kind when used,
4 advertised for use, intended for use or designed for use
5 for manufacturing, converting, preparing, packaging,
6 repackaging, storing, containing, concealing, injecting,
7 ingesting, inhaling or otherwise introducing into the human
8 body a controlled substance, except marijuana, in violation
9 of this act and includes:

10

11 (E) The following objects when used,
12 advertised for use, intended for use or designed for use in
13 ingesting, inhaling or otherwise introducing ~~marihuana,~~
14 cocaine, ~~hashish or hashish oil~~ or any other controlled
15 substance, except marijuana, into the human body:

16

17 (I) Metal, acrylic, glass, stone,
18 plastic or ceramic pipes with or without screens, permanent
19 screens, ~~hashish heads~~ or punctured metal bowls;

20

21 **35-7-1031. Unlawful manufacture or delivery;**
22 **counterfeit substance; unlawful possession; civil penalty**
23 **for marijuana.**

1

2 (a) Except as authorized by this act, it is unlawful
3 for any person to manufacture, deliver, or possess with
4 intent to manufacture or deliver, a controlled substance.
5 Any person who violates this subsection with respect to:

6

7 (ii) Any other controlled substance classified
8 in Schedule I, except marijuana in amounts specified in
9 paragraph (c)(vi) of this section, II or III, is guilty of
10 a crime and upon conviction may be imprisoned for not more
11 than ten (10) years, fined not more than ten thousand
12 dollars (\$10,000.00), or both;

13

14 (c) It is unlawful for any person knowingly or
15 intentionally to possess a controlled substance unless the
16 substance was obtained directly from, or pursuant to a
17 valid prescription or order of a practitioner while acting
18 in the course of his professional practice, or except as
19 otherwise authorized by this act. ~~With the exception of any~~
20 ~~drug that has received final approval from the United~~
21 ~~States food and drug administration, including dronabinol~~
22 ~~as listed in W.S. 35-7-1018(h), and notwithstanding any~~
23 ~~other provision of this act, no practitioner shall dispense~~

1 ~~or prescribe marihuana, tetrahydrocannabinol, or synthetic~~
2 ~~equivalents of marihuana or tetrahydrocannabinol. No~~
3 ~~prescription or practitioner's order for marihuana,~~
4 ~~tetrahydrocannabinol, or synthetic equivalents of marihuana~~
5 ~~or tetrahydrocannabinol shall be valid, unless the~~
6 ~~prescription is for a drug that has received final approval~~
7 ~~from the United States food and drug administration,~~
8 ~~including dronabinol.~~ Any person who violates this
9 subsection:

10
11 (i) And has in his possession a controlled
12 substance in the ~~amount~~ amounts set forth in this paragraph
13 is guilty of a misdemeanor punishable by imprisonment for
14 not more than twelve (12) months, a fine of not more than
15 one thousand dollars (\$1,000.00), or both. Any person
16 convicted for a third or subsequent offense under this
17 paragraph, other than a marijuana offense, including
18 convictions for violations of similar laws in other
19 jurisdictions, shall be imprisoned for a term not more than
20 five (5) years, fined not more than five thousand dollars
21 (\$5,000.00), or both. For purposes of this paragraph, the
22 amounts of a controlled substance are as follows:

23

1 (A) Except as provided in subparagraph (G)
2 of this paragraph, for a controlled substance in plant
3 form, no more than three (3) ounces;

4
5 (B) Except as provided in subparagraph (H)
6 of this paragraph, for a controlled substance in liquid
7 form, no more than three-tenths (3/10) of a gram;

8
9 (C) Except as provided in subparagraph (H)
10 of this paragraph, for a controlled substance in powder or
11 crystalline form, no more than three (3) grams;

12
13 (D) Except as provided in subparagraph (H)
14 of this paragraph, for a controlled substance in pill or
15 capsule form, no more than three (3) grams;

16
17 (G) For marijuana in plant form, more than
18 three (3) ounces;

19
20 (H) For products composed of marijuana that
21 are:

22

1 (I) In solid form, including edible
2 products, ointments and tinctures, more than sixteen (16)
3 ounces;

4
5 (II) In liquid form, more than
6 seventy-two (72) ounces;

7
8 (III) In a form that has undergone a
9 process to concentrate one (1) or more active cannabinoids
10 to increase the marijuana's potency, including in powder,
11 crystalline, pill or capsule form, more than thirty (30)
12 grams.

13
14 (iii) And has in his possession any other
15 controlled substance classified in Schedule I, except
16 marijuana, II or III in an amount greater than set forth in
17 paragraph (c)(i) of this section, is guilty of a felony
18 punishable by imprisonment for not more than five (5)
19 years, a fine of not more than ten thousand dollars
20 (\$10,000.00), or both;

21
22 (vi) And has in his possession marijuana in any
23 combination of forms and amounts set forth in this

1 paragraph shall be subject to a civil penalty of not more
2 than one hundred dollars (\$100.00). For purposes of this
3 paragraph, the amounts of marijuana are as follows:

4

5 (A) For marijuana in plant form, three (3)
6 ounces or less;

7

8 (B) For products composed of marijuana that
9 are:

10

11 (I) In solid form, including edible
12 products, ointments and tinctures, sixteen (16) ounces or
13 less;

14

15 (II) In liquid form, seventy-two (72)
16 ounces or less;

17

18 (III) In a form that has undergone a
19 process to concentrate one (1) or more active cannabinoids
20 to increase the marijuana's potency, including in powder,
21 crystalline, pill or capsule form, thirty (30) grams or
22 less.

23

1 **35-7-1037. Probation and discharge of first**
2 **offenders.**

3
4 Whenever any person who has not previously been convicted
5 of any offense under this act or under any statute of the
6 United States or of any state relating to narcotic drugs,
7 ~~marihuana~~ marijuana, or stimulant, depressant, or
8 hallucinogenic drugs, pleads guilty to or is found guilty
9 of possession of a controlled substance under W.S.
10 ~~35-7-1031(e)~~ 35-7-1031(c)(i) through (v) or
11 35-7-1033(a)(iii)(B), or pleads guilty to or is found
12 guilty of using or being under the influence of a
13 controlled substance under W.S. 35-7-1039, the court,
14 without entering a judgment of guilt and with the consent
15 of the accused, may defer further proceedings and place him
16 on probation upon terms and conditions. Any term of
17 probation imposed under this section for a felony offense
18 shall not exceed the maximum term of probation authorized
19 under W.S. 7-13-302(b). Upon violation of a term or
20 condition, the court may enter an adjudication of guilt and
21 proceed as otherwise provided. Upon fulfillment of the
22 terms and conditions, the court shall discharge the person
23 and dismiss the proceedings against him. Discharge and

1 dismissal under this section shall be without adjudication
2 of guilt and is not a conviction for purposes of this
3 section or for purposes of disqualifications or
4 disabilities imposed by law upon conviction of a crime,
5 including the additional penalties imposed for second or
6 subsequent convictions under W.S. 35-7-1038. There may be
7 only one (1) discharge and dismissal under this section
8 with respect to any person. This section shall not be
9 construed to provide an exclusive procedure. Any other
10 procedure provided by law relating to suspension of trial
11 or probation, may be followed, in the discretion of the
12 trial court.

13

14 **35-7-1038. Second or subsequent offenses; mandatory**
15 **minimum penalty for certain subsequent offenses.**

16

17 (b) For purposes of subsection (a) of this section,
18 an offense is a second or subsequent offense if, prior to
19 his conviction of the offense, the offender has at any time
20 been convicted under this act or under any statute of the
21 United States or of any state relating to narcotic drugs,
22 ~~marijuana,~~ depressant, stimulant or hallucinogenic drugs.

1 excluding any conviction related to the possession or use
2 of marijuana by the offender.

3

4 **35-7-1039. Person using or under influence of**
5 **controlled substance.**

6

7 Any person who knowingly or intentionally uses or is under
8 the influence of a controlled substance listed in Schedules
9 I, except marijuana, II or III and except when administered
10 or prescribed by or under the direction of a licensed
11 practitioner, shall be guilty of a misdemeanor and shall be
12 punished by imprisonment in the county jail not to exceed
13 six (6) months or a fine not to exceed seven hundred fifty
14 dollars (\$750.00), or by both.

15

16 **35-7-1040. Planting, cultivating or processing peyote**
17 **or opium poppy.**

18

19 Any person who knowingly or intentionally plants,
20 cultivates, harvests, dries, or processes marijuana in
21 amounts that exceed the amounts listed in W.S.
22 35-7-1031(c)(vi) or any ~~marihuana,~~ peyote, or opium poppy
23 except as otherwise provided by law shall be guilty of a

1 misdemeanor and shall be punished by imprisonment not to
2 exceed six (6) months in the county jail or by a fine not
3 to exceed one thousand dollars (\$1,000.00), or both.

4

5 **Section 2.** W.S. 35-7-1002(a)(xxvii)(C) is repealed.

6

7 **Section 3.** The attorney general, as commissioner of
8 drugs and substances control, shall adopt rules necessary
9 to implement this act not later than July 1, 2024.

10

11 **Section 4.**

12

13 (a) Except as otherwise provided in subsection (b) of
14 this section, this act is effective immediately upon
15 completion of all acts necessary for a bill to become law
16 as provided by Article 4, Section 8 of the Wyoming
17 Constitution.

18

19 (b) Sections 1 and 2 of this act are effective July
20 1, 2024.

21

22

(END)